

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishment of Rules Governing Procedures)	CI Docket No. 02-32
To Be Followed When Informal Complaints Are)	
Filed by Consumers Against Entities Regulated)	
By the Commission)	
)	
Amendment of Subpart E of Chapter 1 of the)	CC Docket No. 94-93
Commission's Rules Governing Procedures to Be)	
Followed When Informal Complaints Are Filed)	
Against Common Carriers)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-175

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SUMMARY

Consumers are best served by a unified, streamlined process for the intake and resolution of informal complaints filed pursuant to Section 208 of the Communications Act of 1934, as amended (the “Act”). As described herein, Nextel believes that the informal complaint process should be modified to ensure that consumers, when initially filing their complaints, provide carriers specific information describing their particular issues and concerns. With this background information, carriers can more rapidly resolve customer issues and respond to the Commission. These proposed revisions will not hinder resolution of informal complaints and will not overly burden customers; rather, they will streamline the process and promote timely resolution of complaints.

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COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc. ("Nextel") respectfully submits these comments in response to the Federal Communications Commission's (the "Commission") Notice of Proposed Rulemaking (the "*Notice*") in the above referenced proceeding. The Notice proposes amendments to the Commission's Rules governing informal complaints filed against common carriers.¹

The Commission's informal complaint process benefits consumers, the Commission and carriers. For the consumer, informal complaints provide a reasonably efficient, nonadversarial opportunity to notify the Commission of complaints against common carriers and seek prompt

¹ In the Matter of Establishment of Rules Governing Procedures to Be Followed When Informal Complaints Are Filed by Consumers Against Entities Regulated by the Commission, Amendment of Subpart E of Chapter 1 of the Commission's Rules Governing Procedures to Be Followed When Informal Complaints Are Filed Against Common Carriers, *Memorandum Opinion and Order And Notice of Proposed Rulemaking*, ____ FCC Rcd ____, FCC 02-46 (rel. February 28, 2002) (the "*Notice*").

resolution. The Commission relies “. . . on Section 208 informal complaints to help keep [itself] apprised of possible violations of [its] rules and orders and of other practices that may warrant Commission intervention to protect consumers.”² For the carrier, the informal complaint process provides an opportunity to resolve customer concerns in an informal manner, and to obtain customer feedback on potential areas of improvement to its own services and internal processes. Nextel has addressed and resolved informal consumer complaints over the years. Based on this experience, Nextel believes the Commission can enhance the process with a few minor changes, described herein.

I. THE COMMISSION SHOULD REQUIRE MORE DETAILED INFORMATION IN INFORMAL CONSUMER COMPLAINTS

To improve the informal complaint process, the Commission should require that the consumer provide more specific information regarding their particular concerns. This will help the consumer and the carrier resolve the specific issue in a quicker, more efficient manner. Nextel has received a number of informal consumer complaints that contain only a one sentence summary of the customer’s issue without any detail on the customer’s prior contacts with Nextel, the customer’s account information or phone number, or any of the facts underlying the consumer’s concerns.

Although the Commission’s *Notice* proposes that informal consumer complaints contain, among other things, details on the product or service about which the complaint is being made, and a statement of facts supporting the complainant’s allegations, it is not clear from the *Notice* that the Commission is prepared to require consumers to include such detailed information.³ The

² *Notice* ¶ 2.

³ *Notice* ¶ 11.

Commission has indicated in the *Notice* that it wants to ensure the process is consumer friendly and limit the burden placed on complaining consumers.⁴ Requiring consumers to include such information will not overly burden the consumer because such information is presumably readily available to the complainant and will be needed for resolution of the matter.

Requiring the consumer to provide detailed information in its informal complaint filing does not increase the consumer's burden; it merely insures that the information is available to the carrier earlier in the process. If the consumer has difficulty obtaining such information or understanding the facts surrounding the complaint, the Commission could assist the consumer in explaining the type of factual information that should be included within an informal complaint. Among other things, the Commission could update its website with a listing of the required detailed information. Accordingly, the Commission should screen the informal complaints it receives and serve on the carrier only those complaints that contain the required information. With this background information, carriers could more effectively focus resources on timely resolution of those informal complaints.

Additionally, Nextel has found that in some circumstances, consumers believe that the Commission alone will take action on the complaint and resolve the matter without follow-up contacts by the carrier. Consumers must understand the need for the carrier to contact the customer, investigate the claims, and seek a resolution before providing a response to the Commission. Thus, the Commission should appropriately set customer expectations by indicating on its website that the customer will likely be contacted by the carrier and that the customer should be prepared to cooperate with them to resolve the complaint.

⁴ *Id.* ¶ 12.

II. THE COMMISSION SHOULD ENSURE THAT THE SCREENING OF INFORMAL COMPLAINTS RESULTS IN ACCURATE STATISTICS

When the Commission's Consumer and Governmental Affairs Bureau compiles its statistics of informal consumer complaints,⁵ it is important that such information accurately depict the correct number of complaints and the underlying claims described in the informal complaint. Based on Nextel's experiences, many consumers file their informal complaints directly with the carrier, the Commission, their Congressional representatives and various state officials and agencies at the same time. In many cases, these various state and federal officials and agencies forward their copies of the informal complaint to the Commission. The Commission, in turn, routinely assigns a file number to each copy of the complaint and forwards it to the carrier, regardless of whether the Commission previously sent that complaint to the carrier.

Receiving multiple copies of the same complaint can create confusion not only for the carrier, but also for customers and the Commission. Nextel makes every effort to identify redundant complaints to ensure that scarce resources are not unnecessarily used to investigate a previously addressed matter, and to ensure that it is, in fact, the identical complaint and not a follow-up letter requiring additional inquiry. However, these repetitive complaints also should be carefully reviewed and properly captured by the Commission as well. Given that the Consumer and Government Affairs Bureau now compiles a Quarterly Report on informal complaints, it is important that each complaint is counted only one time even though the Commission may have received multiple copies of the same complaint. To provide the general

⁵ See FCC Consumer And Governmental Affairs Bureau Releases Quarterly Report on Complaints And Inquiries Processed, *News Release* (May 7, 2002).

public with accurate aggregate data relating to informal complaints, the Commission must ensure that the necessary mechanisms are in place to prevent double and triple reporting of the same consumer complaint.

IV. CONCLUSION

Nextel remains committed to ensuring that the informal complaint process encourages a cooperative effort by the consumer and carrier to resolve complaints in an informal, efficient manner. Herein, Nextel proposes modifications to the rules that, based on its experiences, should improve this process. The Commission should take affirmative steps to require that consumers provide as much information as possible to facilitate timely resolution of the issues surrounding the complaint. These proposed revisions will streamline the informal complaint process and promote timely resolution of complaints without overly burdening consumers.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

/s/ _____

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